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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

FEDERAL TRADE COMMISSION, STATE
OF ARIZONA, STATE OF CALIFORNIA,
DISTRICT OF COLUMBIA, STATE OF
ILLINOIS, STATE OF MARYLAND, STATE
OF NEVADA, STATE OF NEW MEXICO,
STATE OF OREGON, and STATE OF
WYOMING,

Plaintiffs,

v.

THE KROGER COMPANY and
ALBERTSONS COMPANIES, INC.,

Defendants.

Case No.: 3:24-cv-00347-AN

**DEFENDANTS' NOTICE OF FILING
UNDER SEAL CERTAIN PARTS OF
THEIR RESPONSE TO PLAINTIFFS'
MOTION *IN LIMINE* TO EXCLUDE
EVIDENCE OR ARGUMENT RELATED
TO DEFENDANTS' PROPOSED
DIVESTITURE AND CERTAIN
ACCOMPANYING EXHIBITS**

NOTICE

Defendants are filing today a Response to Plaintiffs' Motion *In Limine* to Exclude Evidence or Argument Related to Defendants' Proposed Divestiture. Defendants' Responses attaches certain exhibits designated under the Protective Order as Confidential or Highly Confidential or filed under seal out of an abundance of caution. Pursuant to the Protective Order, ECF No. 97, and the Court's Order on sealing, ECF No. 331, Defendants hereby give notice that they shall file a public version of the Motion with redactions on page 2 as well as a separate nonpublic version under seal with Exhibits A–D.

DATED: August 21, 2024

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